IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 16296 of 2002

Between:

Vijay Kumar S/o.Srinivasa Rao
Senior Civil Judge, Sircilla
Karimnagar District

..... PETITIONER

AND

1 High Court of Andhra Pradesh
rep. by its Registrar (Vigilance) Hyderabad
2 P.V.Subrahmanyam
Additional District Judge Chittoor
3 V.Balaram
Additional District Judge Ongole
Prakasham District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring that the action of the 1st respondent contained in Order Roc. No.5457/2002-B.SPL dated 6-8-2002, rejecting the request of the petitioner for restoration of seniority in the cadre of Senior Civil Judge over and above respondents 2 and 3 is arbitrary, discriminatory and illegal and direct the 1st respondent to reckon the seniority of the petitioner in the category of Senior Civil Judge over and above respondents 2 and 3 and allow all consequential benefits including arrears of pay and consideration for further promotions and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.VENKATARAMANA
Counsel for the Respondents: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

ORAL ORDER: (Per the Hon'ble the Chief Justice)

The petitioner was appointed as a District Munsif with effect from 8.11.1985 and by the time he had seven years standing in the bar. In the seniority list among District Munsifs, the petitioner was shown at 73 whereas respondents 2 and 3 were shown at 74 and 76 respectively on 10.9.1991. From the category of District Munsif, promotions are to the category of Senior Civil Judge (Subordinate Judge) and thus the petitioner was entitled for being considered for the post of Senior Civil Judge. Overlooking the petitioner, respondents 2 and 3 were promoted. At that stage, the petitioner is stated to have submitted several representations. Even thereafter, he was overlooked. But ultimately, he was promoted in the year 2001. After he was promoted, he wanted his seniority to be restored and therefore submitted a representation, which was rejected and consequently the writ petition is filed.

The petitioner thus wants to be arrayed as having seniority over respondent 2 and 3 in the cadre of Senior Civil Judges on the ground that he was senior to respondents 2 and 3 in the category of District Munsif's. This claim of the petitioner is wholly misconceived and is without any basis. As per the Service Rules, the promotion from the post of District Munsif to that of Senior Civil judge is on the basis of merit-cum-seniority. It is a selection post. When respondents 2 and 3 were promoted prior to the petitioner, though he submitted a representation it was rejected and the promotion of respondents 2 and 3 overlooking the petitioner was not challenged by the petitioner and he accepted the promotion of respondents 2 and 3 till he was promoted in the year 2001. In the counter affidavit filed by the Registrar of this Court, it is stated that while the petitioner was working as Munsif Magistrate at Koilakuntla in Kurnool District, disciplinary proceedings were initiated against him based upon a report of the District Judge and minor punishment of censure was imposed on him. May be, for whatever reason, the petitioner was not promoted to the post of Senior Civil Judge till 2001. Therefore, the petitioner cannot claim seniority in the cadre of Senior Civil Judges over and above respondents 2 and 3 admittedly who were

promoted prior to the petitioner. There is no force in the writ petition. It is accordingly dismissed. No costs.

_____

DEVINDER GUPTA, CJ

Dated 16.02.2005

_____

B.SESHASAYANA REDDY,J

msv

To

1. The Registrar (Vigilance),

High Court of Andhra Pradesh
Hyderabad

2. 2 CD copies.